

New York State Department of Environmental Conservation

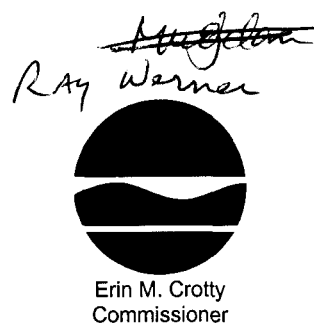
Deputy Commissioner

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DEC 1 2002

Mr. Walter Mugdan
Director, Environmental Planning and Protection
U.S. Environmental Protection Agency Region 2
290 Broadway (26th Floor)
New York, New York 10007-1866

Dear Mr. Mugdan:

I am submitting for inclusion into the rule making docket by the United States Environmental Protection Agency (EPA) a conformed copy of 6NYCRR Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines" and related references at Table I of 6NYCRR Part 200.9. These rules provide for the implementation within New York State of the Low Emission Vehicle Program credits contained in the latest revision to the New York State Implementation Plan for Ozone.

On April 18, 2000, the Department of Environmental Conservation (the Department) sent in a letter to Ms. Jeanne Fox, then Regional Administrator of EPA Region 2, proposed revisions to the ozone SIP that included revised motor vehicle budgets for 2007 for the New York portion of the New York Metropolitan Area Severe Ozone Nonattainment Area. The budgets were developed based on proposed revisions to Part 218 that became effective on December 28, 2000. As stated in the April 18 letter, these revised budgets were subject to a public comment period.

The authority for this submission is provided for by Sections 3-0301, 19-0103, 19-0303, 19-0105, 19-0301 and 19-0305 of the Environmental Conservation Law (ECL) which provides general authority to regulate air pollution. ECL Article 19 generally sets out provisions for air pollution control. Sections 19-0301 and 19-0303 set out the authority to control air pollution and sources of air pollution and to promulgate regulations for these purposes. Section 19-0305 of the ECL provides specific authority to enforce the rules and regulations promulgated for the above purposes. Article 71 of the ECL provides general enforcement authority and criminal enforcement authority for violations of Article 19.

The following documents are enclosed:

- 1) the Express Terms for Part 218,
- 2) a copy of the December 13, 2000 State Register Notice of Adoption of Part 218, and
- 3) a copy of the April 18, 2000 letter.

The Department has further revised Part 218, and will be submitting these subsequent amendments for incorporation into the SIP at a later date.

Should you have any questions regarding this request, please direct your staff to contact David Shaw, Assistant Division Director, at 518/402-8448.

We appreciate EPA's attention this matter.

Sincerely,



Carl Johnson
Deputy Commissioner
Office of Air and Waste Management

Enclosures

cc: R. Borsellino - EPA Region 2 (w/encls)
R. Werner - EPA Region 2 (w/encls)
J. Filippelli - EPA Region 2 (w/encls)